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REMARKS

Claims 1-3 are pending in this application. Claim 1 was rejected under §102(e) based on Kallio. Claim 2 was rejected under §103(a) over Kallio in view of Idnani. Claim 3 was rejected under §103(a) over Kallio in view of Feder. Claims 1, 2 and 3 are currently amended. Reconsideration and further examination are respectfully requested.

Claim 1 distinguishes Kallio because a station may associate with a different access point without being forced to do so by communication failure. A station in a WLAN can be "sticky" in the sense that it will remain associated with an access point until communication with that access point is no longer possible. Perhaps the most common reason for such communication failure is movement of the station beyond the range of the access point. As described in para. 0037, handover forced by movement is the problem that Kallio addresses by enhancing handover. In contrast, the presently claimed invention prompts attempts to change AP/station association periodically based on performance, i.e., whether or not the station moves. Potential advantages of the claimed invention over Kallio include (1) migrating to a new access point **before** communication failure because of motion; (2) migrating to a new access point based on changing relative AP loads; and (3) migrating to a new access point being introduced to the system. This distinguishing feature is recited in claim 1 as "circuitry operable to periodically attempt to select at least one access point from which an Announce message was received, the selection based at least in-part on an indication that the selected access point will provide better service than the access point with which the station is currently associated." Withdrawal of the rejection of claim 1 is therefore requested.

With regard to claim 2, Idnani and the described use of the Session Initiation Protocol ("SIP") are limited to session initiation. Hence, there is no teaching in the combination of Kallio

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and Idnani that a station **which is already associated with an access point** should periodically

attempt to find another access point which will provide better service, without being forced to do

so. Note that claim 1 recites "**wherein the station is associated with an access point ...**

circuitry operable to periodically attempt to select at least one access point from which an

Announce message was received, the selection based at least in-part on an indication that the

selected access point will provide better service than the access point with which the station is

currently associated," (emphasis added) which claim 2 further distinguishes by reciting "circuitry

operable to generate a registration request message to the selected access point to indicate that

the station desires to communicate in the wireless communications environment via the selected

access point using a particular protocol; circuitry operable to receive and process a registration

acknowledge message from the selected access point in response to the Registration Request

message, the registration acknowledge message indicating that the selected access point

understands that the station will communicate in the wireless communications environment using

the particular protocol." Withdrawal of the rejection of claim 2 is therefore requested.

With regard to claim 3, the combination of Kallio and Feder is distinguished for reasons

similar to those discussed above. Feder teaches, e.g., in the Abstract, that the wireless modem

initiates the searching algorithm after powering up or in response to degradation of

communication link quality or load levels. At col. 2, line 61, Feder describes such a condition as a

"triggering event." In contrast, the presently claimed invention operates without any such

triggering condition, and while already associated with an access point. Withdrawal of the

rejection of claim 3 is therefore requested.

The Office also objected to the specification and claims based on informalities. The

specification has been amended as indicated by the Office. With regard to the term "logic" in

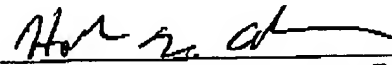Serial No. 10/781288   - 8 -   Art Unit: 2686

claims 1 and 2, Applicant respectfully disagrees with the Office. "Logic" is commonly used in the field of electronics to refer to hardware, software and firmware. Nevertheless, Applicant has removed the term from those claims.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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